

Policy Name	Foreign applicants and social security numbers			Policy Number	76-90.03
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Responsible Executive	Chief Operating Officer			Revised Date	10/12/2022
Responsible Office	Director's Office			Last Reviewed	10/12/2022
Responsible Reviewer	Barrett, Erin				

Purpose:

The purpose of this Policy is to provide guidance on the processing of applications from foreign applicants who do not possess a permanent social security number or a control number issued by the Virginia Department of Motor Vehicles.

Policy:

This policy addresses implementation of provisions in § 54.1-116 of the Code of Virginia relating to social security or control numbers and the authority for a board to issue a temporary license or authorization to practice.

Authority:

Va. Code § 54.1-116

Definitions:

INS = Immigration and Naturalization Service

DMV = Department of Motor Vehicles

Procedures:

A. Certain foreign applicants for licensure, certification, or registration by the health regulatory boards encounter obstacles in the effort to obtain work visas, social security numbers, and the authorization required to pursue their professions in Virginia. An applicant reportedly cannot obtain a work authorization from the INS unless the applicant has a license, registration or certification to practice his or her profession.

B. Virginia Code § 54.1-116 requires an applicant for license, registration or certification by a health regulatory board to provide a social security number or a control number issued by the DMV on his or her

application. Even a statutory exemption which allows certain Canadian nurses to be licensed as Registered Nurses by endorsement requires a “proper application” to the Board. *See* Va. Code § 54.1-3001(A)(4). Because Virginia Code § 54.1-116 requires “all” applications to include a social security number or a control number issued by the DMV, the exemption for certain Canadian nurses also requires a social security number or control number issued by the DMV.

C. The Social Security Administration, however, requires that a foreign applicant for a social security number have a work permit before it will issue a social security number.

D. To address this circular dilemma, Virginia Code § 54.1-116 was amended in 2003 to allow a health regulatory board of the Department of Health Professions to issue a temporary license or authorization to practice, effective for not longer than 90 days, to an *otherwise qualified applicant* for a license, certificate or registration who is a foreign national and cannot provide a social security number or control number at the time of application. *See* Va. Code § 54.1-116(B). The Board may grant additional temporary licenses for an applicant whose 90 days have expired, provided the reason given for the extension is outside of the applicant’s control.

E. Process for Board staff:

- If application is received by a Board without a social security number or DMV control number, and all other applicable Board regulations are met, a temporary license may be issued. The temporary license will expire 90 days from issuance.
- If a temporary license is issued by a Board, it will be recorded as temporary with a 90-day expiration date, in the Department of Health Professions License Lookup system and in any other applicable licensing data base systems reported to by a Board.
- Any temporary licenses issued by a Board will be flagged with a hold/alert, pending a social security number or DMV control number. The hold/alert may be released when all applicable Board regulations are met.
- If all applicable Board regulations are met and a social security number or DMV control number is verified, an application is deemed complete and a permanent license may be issued.